

In re: Brittany L. Hayes et al.
Serial No. 10/820,916
Filed April 9, 2004
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REMARKS

This is in response to the Non-Final Office Action mailed December 8, 2004, which has been fully considered. In view of the above amendments and the following remarks, withdrawal of the rejections and issuance of a Notice of Allowance is respectfully requested.

Applicants first note with appreciation the Examiner's recognition of the allowability of claims 6-20.

Applicants submit that the above amendments do not add new matter, as support for the amendments may be found in the specification and claims as originally filed.

Claims 3-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner notes the presence of improper antecedent basis in Claim 3. The Applicants amended Claim 3 to provide proper antecedent basis. Accordingly, Applicants respectfully submit the amendment overcomes the rejection and request withdrawal of the rejection.

The Examiner rejected Claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Schlie. Applicants respectfully traverse the rejection.

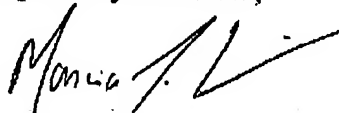
The amendment to Claim 1 recites "...while concurrently monitoring the temperature of the vessel, its contents, or both." Schlie does not teach or disclose this step. The Examiner acknowledged this in the statement of reasons for the indication of allowable subject matter. To be anticipatory, a reference must disclose each element of the relevant claims. Because Schlie does not disclose concurrent monitoring of temperature, Schlie cannot be said to be anticipatory of the present claims. Accordingly, Applicants request withdrawal of the rejection.

Applicants submit that in view of the above amendments and remarks, the application and claims are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is respectfully requested.

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It is believed that no additional fees are due in conjunction with the filing of this response. If, however, it is determined that fees are due, authorization is hereby given to deduct such fees from Deposit Account No. 50-0332.

Respectfully submitted,



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